

Notice of Allowability

Application No.

10/521,211

Examiner

Rhonda S. Peace

Applicant(s)

WATTE ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's after-final amendment filed 3/27/2006.
2. ☒ The allowed claim(s) is/are 27,29,31-36,38,39 and 41-68.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

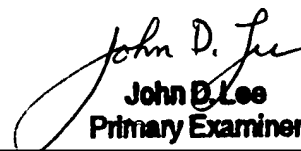
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


John D. Lee
Primary Examiner

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laura Kelley (Reg No. 48,441) on 5/24/2006.

The application has been amended as follows:

Claim 40 has been cancelled, and the limitations previously assigned to claim 40 have been incorporated into pre-existing claim 27. In addition, claim 41 is now ^{made} directly dependent upon claim 27. Therefore, claim 27, as amended, now reads as follows:

Claim 27: A device for cleaving an optical fibre, comprising a fixing mechanism configured to fix a fixing element to the optical fibre, and a cleaving mechanism configured to cleave the optical fibre, the device comprising a flexibly-positionable neck and clamp configured to temporarily attach the device in a working position on a telecoms distribution frame or other apparatus where optical fibres are to be connected, and wherein the fixing mechanism and cleaving mechanism are arranged such that the fibre is cleaved, and consequently an end face of the fibre is produced, at a preset position along the fibre with respect to the fixing element and wherein the cleaving mechanism cleaves the fibre

such that the fibre end face produced is oriented at a non-perpendicular angle with respect to a longitudinal axis of the fibre.

The above amendment was necessary to overcome a potential rejection of claim 27 under 35 U.S.C. §102(e) in view of newly cited Carpenter et al (US 6581889). It was determined in the Office that claim 27 described a generic cleaver, as limitations including an “optical fibre” are not given patentable weight, due to the intended use language “*configured to*.” Therefore, for example, the recitation “*configured to* fix a fixing element to the optical fibre” is not given patentable weight. Under this reasoning, claim 27 does not limit itself to an optical fiber cleaver, and instead describes any cleaver with a fixing mechanism, cleaving mechanism, and a flexibly-positionable neck and clamp. Carpenter et al (US 6581889) describes such a cleaver, where item 20 serves as both a cleaving and fixing mechanism (column 7 lines 48-52). However, the above amendment now adequately describes the device as an optical fibre cleaver, thereby overcoming any potential rejection made in view of Carpenter et al, which places the current invention in condition for allowance.

Allowable Subject Matter

Claims 27, 29, 31-36, 38, 39, and 41-68 are allowed.

The following is an examiner’s statement of reasons for allowance: The most applicable prior art discussed within the prosecution history of the current invention does not disclose, nor does it reasonably suggest a method of coupling optical fibers

using a device comprising both a fixing and cleaving mechanism wherein the method or device includes one of the following:

- A flexibly positionable neck and clamp attached to the cleaving device such that the user can temporarily place it in a convenient working position and the cleaving element cleaves the fiber such that an end face is produced that forms a non-perpendicular angle with respect to the longitudinal axis of the fiber (claim 27).
- A connector body that is rotatably attached to the device such that it facilitates the insertion of a ferrule and fiber into each end of the connector body from directions of insertion less than 180 degrees apart (claim 29).
- A guide means that allows the ferrule assembly holder to be movable along a controlled path (claim 31).
- A plurality of ferrule assemblies, arranged in succession, and located within the ferrule assembly holder as well as a compressible member attached to the ferrule assembly holder via a flexible member of sufficient length to permit the insertion and locking of the ferrule assembly into the connector body (claim 32).
- Securing means for directly securing the ferrule and the fiber during and after the crimp and cleave operation in the absence of any ferrule holder (claim 35).
- Moving a crimped and secured ferrule containing a cleaved optical fiber into alignment with a connector body in a required orientation either with

or without a keying formation on the ferrule and fixing the ferrule to the connector body (claim 38).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda S. Peace whose telephone number is (571) 272-8580. The examiner can normally be reached on M-F (8-5).

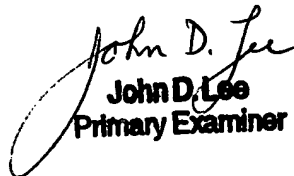
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272- 2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2874

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rhonda S. Peace
Examiner
Art Unit 2874



John D. Lee
Primary Examiner